

RESOLUTION NO. 23-095

CITY OF MAPLE GROVE

**RESOLUTION APPROVING PLANNED UNIT DEVELOPMENT — CONCEPT
STAGE PLAN AMENDMENT, PLANNED UNIT DEVELOPMENT –
DEVELOPMENT STAGE PLAN, FINAL PLAT FOR
MAPLE GROVE SENIOR LIVING COMMUNITY THIRD ADDITION**

WHEREAS, SilverCrest Properties (hereinafter referred to as the “**Applicant**”) is the applicant for (i) Planned Unit Development (hereinafter referred to as “**PUD**”) – Concept Stage Plan amendment, (ii) PUD – Development Stage Plan, and (iii) final plat (hereinafter collectively referred to as the “**Application**”) for that property located within Maple Grove at *Outlot A, Maple Grove Senior Living Community Second Addition, Hennepin County, Minnesota*, as depicted on attached Exhibit A (hereinafter referred to as the “**Property**”); and

WHEREAS, the City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council; and

WHEREAS, the City Planning Commission held a public hearing and considered the Application on May 30, 2023 recommending approval of the Application; and

WHEREAS, the City Council considered the Application at its June 5, 2023 meeting receiving the recommendation from the Planning Commission, the report from City staff, and other information.

NOW, THEREFORE, the City Council of the City of Maple Grove makes the following:

FINDINGS

- A. The Applicant is requesting the Application to construct 18 townhomes with a fifty plus age restriction on the Property (hereinafter referred to as the “**Project**”). The 18 townhomes are one-story, with 16 two-bedroom and 2 one-bedroom units. The 18 townhomes are on one lot to be rented and part of the SilverCreek on Main campus. The Property is subject to a 2019 PUD – Concept Stage Plan. The Project requires a PUD – Concept Stage Plan amendment.
- B. The Applicant has submitted, for the City Council’s review and approval, the: (i) Site Plan, drafted by Kaas Wilson Architects, dated January 16, 2023 (hereinafter referred to as the “**Site Plan**”); (ii) Plans, compiled by Plowe Engineering, Inc., dated February 28, 2023, which consists of:

- (1) Sheet C1.0 – Site Plan;

- (2) Sheet C1.1 – Removals Plan;
- (3) Sheet C2.0 – Grading and Drainage Plan;
- (4) Sheet C3.0 – Utility Plan – Storm Sewer;
- (5) Sheet C3.1 – Utility Plan – Sanitary Sewer and Watermain;
- (6) Sheet C4.0 – Details;
- (7) Sheet C4.2 - Details;
- (8) Sheet C4.3 – Details;
- (9) Sheet C5.0 – SWPPP;
- (10) Sheet FTM – Fire Truck Movements;
- (11) Sheet L1 – Landscape Plan;
- (12) Sheet L2 – Landscape Plan; and
- (13) Sheet L3 - Landscape Plan

(hereinafter referred to as the “**Plan Sheet**”); (iii) Renderings and Elevations, prepared by Kaas Architects, dated February 6, 2023 and May 19, 2023 (hereinafter referred to as the “**Elevations**”; hereinafter Site Plan, Plan Sheets, and Elevations collectively referred to as the “**Plans**”); and (iv) final plat of the Property, drafted by E.G. Rud & Sons, Inc., entitled “Maple Grove Senior Living Community Third Addition” (hereinafter referred to as the “**Final Plat**”).

C. Minnesota Statutes §462.357 grants to the City, for the purpose of promoting the public health, safety, morals and general welfare, the authority to regulate use of land within the City through zoning regulations.

D. City Code §36-61 states:

A PUD is intended to allow variation from the strict literal provisions of this chapter, including, but not limited to, requirements relating to setbacks, height, floor area, floor area ratio, lot area, width, depth, and yards. If a proposed development is approved by the city as a PUD as provided in this section, then the dimensions of the PUD as approved shall be deemed to be in compliance with all of the dimensional requirements of this chapter, including setbacks, height, floor area, floor area ratio, lot area, lot width, lot depth and yards.

E. Pursuant to City Code §36-64(a)(1) the PUD – Concept Stage Plan provides an opportunity for an applicant to submit a plan to the City showing the basic intent and the general nature of the entire development. Any PUD – Concept Stage Plan approval is limited to the following:

- a. Overall maximum PUD density.
- b. General location of major streets and pedestrian ways.
- c. General location and extent of public and common open space.
- d. General location of residential and nonresidential land uses with approximate type and intensities of development.

- e. Other special criteria for development.
- F. Pursuant to City Code §36-64(b)(1), the purpose of the PUD – Development Stage Plan is to provide a specific and particular plan for the development of property.
- G. The Applicant, pursuant to City Code Chapter 36, Article II, Division 2, has submitted the Plans for the City’s review and approval.
- H. The Plans and the Project are consistent with the current zoning and development of the surrounding properties and will not be detrimental to said properties, to existing roads and traffic, and the general health, safety, and welfare of the public, provided it is subject to and meets, to the satisfaction of the City, the conditions set forth in this Resolution.
- I. The proposed subdivision of the Property is governed by State Statute and City Code Chapter 30.
- J. Minnesota Statutes §462.358, grants the City, for the purpose of protecting and promoting the public health, safety and general welfare, the authority to adopt subdivision regulations providing for the orderly, economic, and safe development of land within the City.
- K. City Code §30-7 states:

[With exceptions], no conveyance of land shall be filed or recorded if the land is described in the conveyance by metes and bounds, or by reference to an unapproved registered land survey made after April 21, 1961, or if the land is described by reference to an unapproved plat made after February 25, 1954, unless the transaction has been reviewed pursuant to Minn. Stats. § 272.162, if required.
- L. City Code §30-8 provides that a platted outlot may be final platted as a buildable lot if: the outlot is buildable under City Code; not a subdivision as defined in City Code §30-4; does not require construction of new streets; and the final plat submission and release requirements of City Code are met.
- M. The Final Plat meets the City Code requirements, including, but not limited to, City Code §30-8, provided it is subject to and meets, to the satisfaction of the City, the conditions set forth in this Resolution.

DECISION

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maple Grove and based upon the information received and the above Findings:

1. The City Council does hereby conditionally approve the PUD - Concept Stage Plan amendment, PUD – Development Stage Plan, and the Plans for the Project, subject to the conditions set forth in Section 3 below that must be met, to the satisfaction of the City, prior to the release of the Final Plat, unless otherwise expressly stated.
2. The City Council does hereby conditionally approve the Final Plat and the Mayor and City Clerk are hereby authorized to execute the Final Plat, subject to the conditions set forth in Section 3 below that must be met, to the satisfaction of the City, prior to release of the Final Plat, unless otherwise expressly stated.
3. The following conditions must be met to the satisfaction of the City prior to release of the Final Plat, unless otherwise expressly stated:
 - a. The approvals granted by this Resolution are subject to the completion of and compliance with all ministerial matters set forth in City Ordinance Code and required by the City, including, but not limited to, those of Engineering, Planning, Administrative and Legal Departments, *e.g.*, title examination, execution of Developer's Agreement, filing of letters of credit, and payment of fees. City Code §30-21.
 - b. The Project is planned to be part of the overall SilverCreek on Main campus (hereinafter referred to as the "**Campus**"). However, the Project is contained on a single lot that is platted separately from the remainder of the Campus. The Applicant has represented the intent to operate the Project townhomes and the main Campus building together with the Project townhome residents having full access to the Campus facilities and amenities. The Applicant shall submit an instrument that ensure, regardless of common ownership, that the Campus, including the Property, shall continue to operate together for, among other things, shared use of facilities and amenities.
 - c. The Applicant shall comply with the following requirements subject to the satisfaction of the City Director of Community and Economic Development:
 - i. Applicant shall make application to vacate existing drainage and utility easements on the Property and dedicate replacement drainage and utility easements on the Final Plat.

- ii. City Code limits trees to 20% of any one genus which equates to three trees for the Project. The landscape plan portion of the Plans shall be modified accordingly.
 - iii. The Plans shall be updated to conform with the Final Plat.
- d. The Applicant shall comply with the following requirements subject to the satisfaction of the City Engineer:
 - i. The Plans, including but not limited to grading and utility plans, are subject to the review and approval of the City Engineer.
 - ii. The Plans are subject to the review and approval of the Shingle Creek Watershed District. The Plans shall be modified as recommended by the Shingle Creek Watershed District and directed by the City Engineer.
 - iii. The Plans shall be modified to provide a stop sign to be installed on the private driveway approaching 82nd Avenue.
 - iv. The Plans shall be modified to provide that the watermain and sewer installed are to be privately owned and maintained.
 - v. The Plans shall be modified to show all existing buried watermain between the hydrant between buildings 3 and 5 and the watermain in 82nd Avenue.
 - vi. The Plans shall be modified for loop connections from the watermain between buildings 1 and 2 to existing watermain east of building 2.
 - vii. Sheet No. C8 of the Plans shall be modified to provide for LO for addition and call out EOF for CB105.
- e. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Inspector:
 - i. The Plans provide for three fire hydrants located on a dead-end water main. The Plans shall be modified to loop the water main running down the street to the 8-inch water main running behind building 2 on the northeast corner of the Property.
 - ii. The Plans shall be modified to meet the requirements regarding the location and general requirements for fire hydrants, including, but not limited to, City Code, NFPA, and MSFC.

- f. An irrigation reduced pressure zone (hereinafter referred to as “**RPZ**”) is required for any irrigation systems and must be installed by the Applicant and/or eventual lot owner and tested in accordance with the Minnesota Department of Health Guidelines for Designing Backflow Prevention Assembly Installations (hereinafter referred to as “**Guidelines**”). The initial test results and certification shall be submitted to the City of Maple Grove Public Works Department. Subsequently, the RPZ must be tested, per the Guidelines, at least annually by a certified tester with the results reported to the City of Maple Grove Building Department and the RPZ must be rebuilt as needed in accordance with the Guidelines. Test/rebuilt reports shall be mailed or faxed to the City of Maple Grove Building Department at (763) 494-6424. The irrigation system shall be designed, and the Plans shall be modified accordingly, prior to the issuance of any permits for the development of the Property, to accommodate a 1-inch water meter and a maximum flow of 50 gallons per minute. This is not a condition of release of the Final Plat, but an on-going requirement, that will be a term and obligation within the PUD Agreement (see PUD Agreement requirement below).
- g. The Applicant shall enter into a PUD agreement (hereinafter referred to as “**PUD Agreement**”), drafted by the City, memorializing the Applicant’s obligations under this Resolution and City Code. The PUD Agreement shall be recorded against and run with the Property. The City will not issue any permits for the development of the Property prior to being provided recording information for the PUD Agreement.
- h. The Applicant shall enter into a Site Improvement Performance Agreement (hereinafter referred to as “**SIPA**”), if required by the City Community Development Director, drafted by the City, which SIPA shall establish site improvement items and terms of completion of said items. Under the SIPA, a surety shall be provided to the City for two full growing seasons to guaranty the proper installation and growth of all landscaping items.
- i. The Final Plat is located in the City’s Park Service Area 23. Residents of this Park Service Area are served by Central Park, Town Greene, the Bridges playlot, Balsam playlot, and various local trail connections. Pursuant to State Statute and City Code, the Final Plat requires a land dedication or a cash equivalent based on the rate approved by the City Council when the East Final Plat is released for recording. The current single-family residential park dedication rate for the City is \$4,156.00 per unit. Assuming the Final Plat is released prior to the City Council adjusting the park dedication rate, the park

dedication amount to be paid for the Final Plat shall be \$74,808.00 (18 single-family units times \$4,156.00). If the Final Plat is not released prior to the City Council adjusting the park dedication rate, the above-referenced payment shall be adjusted based upon the formula approved by City for the year in which the Final Plat is actually released for filing. The park dedication fee, as set forth above, shall be paid prior to the Final Plat being released for filing at the Hennepin County Government Center.

- j. The Applicant shall provide a platting title commitment as required by Minn. Stat. §505.03. The above-mentioned evidence of title shall be subject to the review and approval of the City Attorney to determine the entities must execute the Final Plat and other documents to be recorded against the Property. Further, Applicant shall provide the City with evidence, which sufficiency shall be determined by the City, that all documents required to be recorded pursuant to this Resolution and by the City Attorney are recorded and all conditions for release of the Final Plat have been met prior to the City processing or approving any building permits or other permits applicable to the development of the Property.
- k. Construction on the Property shall, at all times, comply with the Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations.
- l. Maintenance of the Property shall, at all times, comply with the Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations.
- m. The Applicant shall pay upon demand all expenses, determined by the City, that the City incurs in relation to this development and Resolution, and shall provide an escrow deposit in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, including, but not limited to, hourly wage, overhead and benefits, engineering, legal and other consulting fees incurred in relation to the development.
- n. The Applicant shall make application for and receive (on the condition that the Applicant complies with the requirements of this Resolution and City Code) a building permit and construction activities on the Property shall commence, pursuant to the Plans, this Resolution and City Code, in compliance with City Code Section 36-64(b)(5).
- o. The Final Plat must be filed and recorded with Hennepin County within two years of the date of this Resolution. If the Final Plat is not

timely filed or recorded, this Resolution and all approvals herein shall be void with no further action required by the City Council.

Motion to approve the foregoing findings, conclusions, and decisions was made by _____ and seconded by _____, upon a vote being duly taken thereon, the following voted in favor thereof:

and the following were against:

and the following were absent:

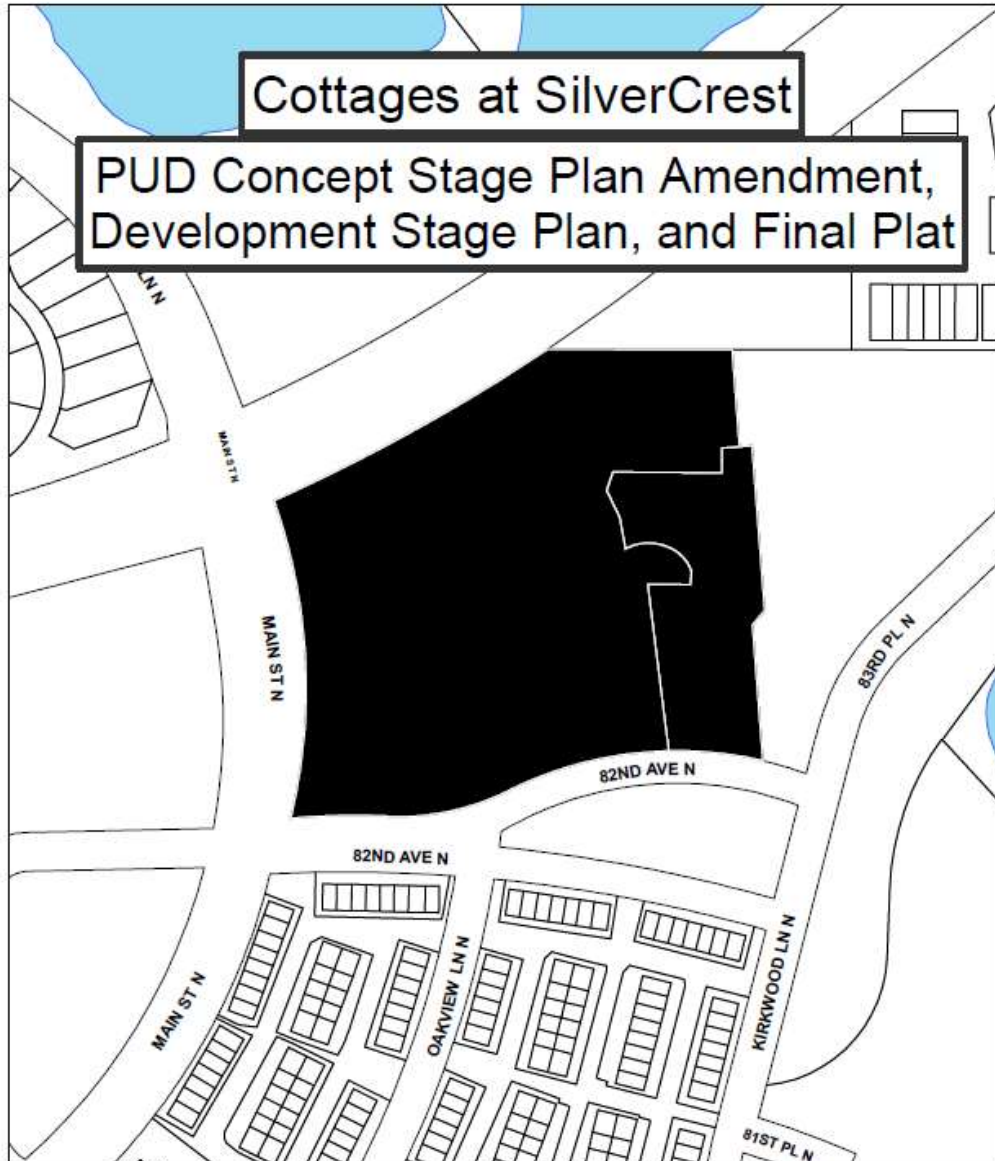
whereupon, the resolution was declared duly passed and adopted the 20th day of June, 2023.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.
CITY OF MAPLE GROVE)

I, the undersigned, being the duly qualified and acting Clerk of the City of Maple Grove, Hennepin County, Minnesota, a Minnesota municipal corporation, hereby certify that the above and foregoing Resolution No. 23-095 is a true and correct copy of the Resolution as adopted by the City Council on the 20th day of June, 2023.

City Clerk

EXHIBIT A



NEIGHBORHOOD LOCATION MAP



City of
Maple Grove



Feet
0 50 100 200